

## **REMARKS/ARGUMENTS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 43-46, 48-55, 57-59, 61-69, 71-74, and 76-78 are amended, and Claims 47, 60, and 75 are canceled. Claims 1-42 were canceled in a previous amendment. After amending the claims as set forth above, Claims 43-46, 48-59, 61-74, and 76-78 are now pending in this application.

### **I. Telephone Call with the Examiner**

Applicant thanks the Examiner for his time and willingness to discuss the present application with the Applicant's representative on March 3, 2011. During the call, the rejections under 35 U.S.C. § 103(a) were discussed along with proposed claim amendments. The Examiner indicated that the claim amendments may help to advance prosecution. However, no final agreement regarding the allowability of the claims was reached.

### **II. Amendments to the Claims**

As indicated above, Claims 47, 60, and 75 are canceled. Elements from these canceled claims have been incorporated into independent Claims 43, 59, 67, and 73. Additional claim amendments have been made to improve clarity and remove unnecessary elements. As such, Applicant respectfully submits that no new matter has been added.

### **III. Claim Rejections Under 35 U.S.C. § 102(e)**

In section 4 of the Office Action, Claims 43-46, 59, 67, and 73 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,873,627 to Miller et al. (Miller). Applicant does not concede the propriety of the rejection. However, Applicant has amended the claims in an effort to advance prosecution.

Claim 43, as currently amended, recites in part that “at least one of the one or more *parameters identifies a type of content that is not to be sent* to the receiver address” and that “the *filtering includes removing the type of content from the multicast data packet* to generate

the filtered data packet.” (Emphasis added). Independent Claims 59, 67, and 73, although of differing scope, have been amended to recite similar elements. The above-referenced claim elements from Claim 43 were previously presented in dependent Claim 47. In section 12 of the Office Action, the Examiner acknowledged that Miller fails to disclose such elements. However, the Examiner went on to assert that such elements would be obvious in view of Miller. Applicant respectfully disagrees.

The Examiner relies on col. 11, lines 38-49 as allegedly making the above-referenced claim elements obvious under 35 U.S.C. § 103(a). At col. 11, lines 38-49, Miller discloses:

Different embodiments of the invention can use one or more of the following *filtering techniques* (described below) to reduce traffic on the network:

1. loopback--*drop packets with a source address that matches the address of the server* or other receiver
2. neighbor blocking--*do not forward* a packet back to a neighbor that has just sent the packet.
3. relay hop count--*limits the number of servers through which a packet is allowed to travel.*
4. multicast loopback--tag any, multicast packet that a server forwards. A *server does not forward a multicast packet, if it is tagged as already having been forwarded.*

(Emphasis added).

Thus, Miller discloses four filtering techniques that include i) “drop[ping] packets with a source address ... of the server or other receiver,” ii) not sending packets “back to a neighbor that ... just sent the packet,” iii) “limit[ing] the number of servers ... a packet is allowed to travel” through, and iv) not forwarding packets that are “tagged as already having been forwarded.” (Col. 11, lines 38-49). However, Claim 43 recites that “at least one of the one or more *parameters identifies a type of content that is not to be sent* to the receiver address” and that “the *filtering includes removing the type of content from the multicast data packet* to generate

the filtered data packet.” (Emphasis added). Applicant has reviewed Miller in detail, and respectfully submits that Miller fails to disclose or suggest filtering based on “a type of content” in the data packet. Miller also fails to disclose or suggest “removing the type of content from the multicast data packet to generate the filtered data packet,” as claimed. Applicant further submits that these claim elements are distinct from the filtering techniques disclosed by Miller, and that the filtering techniques of Miller do not suggest or otherwise make obvious the above-referenced claim elements.

For at least these reasons, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e).

#### **IV. Claim Rejections Under 35 U.S.C. § 103(a)**

In section 11 of the Office Action, Claims 47-58, 60-66, 68-72, and 74-78 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miller. Claims 47, 60, and 75 have been canceled, rendering their rejection moot. Applicant respectfully traverses the rejection with respect to Claims 48-58, 61-66, 68-72, 74, and 76-78.

In section 12 of the Office Action, the Examiner asserted that:

As to claims 47-58, Miller shows a method in a communication system as ... discussed in paragraph 5 above. However, *Miller doesn't teach the different parameters of filtering as ... claimed. However, Miller discloses other different filtering techniques*, see col 11, lines 38-49. Therefore, *it would have been obvious* to a person of ordinary skill in the art at the time the invention was made *to modify the system of Miller to include the claimed filtering parameters* in order to support the receivers' needs.

(Emphasis added).

As discussed above with respect to the elements from canceled Claims 47, 60, and 75, Applicant respectfully submits that such elements are distinct from the filtering techniques disclosed by Miller, and that the filtering techniques of Miller do not suggest or otherwise make

obvious such claim elements. Applicant further submits that Miller fails to suggest or otherwise make obvious the elements from dependent Claims 48-58, 61-66, 68-72, 74, and 76-78. The dependent claims are directed to distinct embodiments that are not mentioned by the Miller disclosure. As such, if the Examiner maintains the rejection, Applicant respectfully requests that the Examiner identify one or more references where each of the elements of dependent Claims 48-58, 61-66, 68-72, 74, and 76-78 is alleged to be disclosed.

For at least these reasons, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 103(a).

**V. Conclusion**

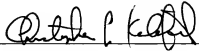
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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